

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VICTORIO C. RIVERA,)	4:07CV3276
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
UNITED STATES DISTRICT)	
COURT FOR THE DISTRICT OF)	
OREGON, and Agents,)	
)	
Respondent.)	

Plaintiff filed a Complaint, titled “Petition for Writ of Mandamus,” in this matter on December 17, 2007. (Filing No. 1.) Plaintiff has been given leave to proceed in forma pauperis. The court now conducts an initial review of the Complaint to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2).

Summarized and condensed, Plaintiff’s Complaint requests that this court “compel respondent United States District Court for the District of Oregon” to perform its “judicial duty.” (Filing No. 1 at CM/ECF p. 8.)¹ Plaintiff generally alleges a “cover up” of “corruptions” between the years 1977 and 2007 by the District of Oregon. (*Id.* at CM/ECF pp. 8-10.)

Plaintiff previously filed Case Number 4:07CV3180 in this court. That case was dismissed on November 19, 2007 because this court lacked subject matter

¹Along with the District of Oregon, Plaintiff lists the United States District Court for the Districts of Arizona, Nebraska, Indiana, and Washington and one Oregon state court as “agents” of the District of Oregon. Notably, a search of the U.S. Courts’ PACER system reveals 32 cases in which Plaintiff has been denied relief in some fashion by each of the U.S. District Courts listed in Plaintiff’s Complaint.

jurisdiction and personal jurisdiction and because Plaintiff was attempting to bypass a pre-filing review order issued by the District of Oregon. (Case No. 07CV3180, Filing No. 53.) Indeed, Plaintiff has previously been forbidden from filing papers in the District of Oregon without prior approval of that forum. The court once again takes judicial notice of the April 6, 1999 “Order Containing Pre-Filing Review Order” in Case No. 98-6256-TC, filed in the United States District Court for the District of Oregon. (Filing No. 180 in that action.) In that order, which has been followed in the numerous cases filed by Plaintiff since that time, the District of Oregon instituted a pre-filing review of all cases filed by Plaintiff in the District of Oregon. (*Id.* at 4.) In particular, because of the “harassing nature of plaintiff’s filings,” Plaintiff must certify before filing any complaint in the District of Oregon that he “has not previously brought an action against the same defendants alleging the same operative facts.” (*Id.* at 7.) The pre-filing review order applies only to cases filed within the District of Oregon.

Liberally construed, Plaintiff requests that this court force the District of Oregon to reverse its previous decisions regarding summary judgment in several of Plaintiff’s lawsuits. Further, Plaintiff requests that this court modify, or require the District of Oregon to modify, its pre-filing review order. As has previously been made clear to Plaintiff, this court will not do so. If Plaintiff wishes to challenge the District of Oregon’s pre-filing review order, he should do so in the proper forum. However, this court is not the proper forum and the court will not inject itself into Plaintiff’s filing disputes with the District of Oregon. For all of these reasons, the court finds that Plaintiff’s Complaint is frivolous and it is therefore dismissed in accordance with 28 U.S.C. § 1915(e)(2).

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Complaint, titled “Petition for Writ of Mandamus,” (filing no. 1) is dismissed with prejudice as frivolous.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

April 2, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge